



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 05-26

March 23, 2005

Investigation by the Department of Telecommunications and Energy on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.T.E. No. 17, filed with the Department on February 22, 2005 to become effective on March 24, 2005 by Verizon New England, Inc. d/b/a Verizon Massachusetts.

PARTIAL SUSPENSION ORDER

On February 22, 2005, Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") filed proposed revisions to its tariff M.D.T.E. No. 17, for effect on March 24, 2005. The Department has determined that further investigation of three subjects arising from the proposed tariff revisions is necessary. Specifically, these subjects include: (1) the propriety of the form of tariff provisions stating that notwithstanding other explicit provisions of M.D.T.E. No. 17, Verizon is obligated to provide certain network elements "in accordance with, but only to the extent required by, 47 U.S.C. § 251(c)(3) and 47 C.F.R. Part 51," as well as similar terms that cross-reference federal statutes and regulations in a manner that may be read to define or limit Verizon's tariff obligations, rather than merely clarifying tariffed terms; (2) the propriety of proposed audit provisions with respect to enhanced extended loops; and (3) the propriety of excluding Verizon's performance in connection with the provision of routine network modifications and commingling from standard provisioning intervals and from performance measures and remedies.

Accordingly, after notice, comment, and consideration, it is

ORDERED: That the operation of the following proposed revisions to M.D.T.E. No. 17 be suspended and the use deferred until April 25, 2005, unless otherwise ordered by the Department:

Part B, § 1.1.1.A.1

Part B, § 1.1.1.A.2

Part B, § 5.0.1.A

Part B, § 13.1.1.A

Part B, § 13.2.1.A

Part B, § 13.2.1.B

Part B, § 13.4.1.E

By Order of the Department,

/s/

Paul G. Afonso, Chairman

/s/

James Connelly, Commissioner

/s/

W. Robert Keating, Commissioner

/s/

Judith F. Judson, Commissioner

/s/

Brian Paul Golden, Commissioner